

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Declaration for Patent Application

**COPY FOR CONTINUING  
APPLICATION**

As a named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed) or an original, first and joint inventor (if plural names are listed in the signatory page(s) commencing at page 3 hereof) of the subject matter which is claimed and for which a patent is sought on the invention entitled

USE OF HEAT SHOCK PROTEINS TO DELIVER MOIETIES INTO CELLS

the specification of which (check one)

☐ is attached hereto.

☒ was filed on February 18, 1998 as United States Application Number or PCT International Application Serial No. 09/025,178 and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			Priority Not Claimed
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

<u>60/038,059</u> (Application Number)	<u>18 February 1997</u> (Filing Date)
<u>60/066,288</u> (Application Number)	<u>25 November 1997</u> (Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information known by me to be material to patentability as defined in 37 C.F.R. §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing date)	(Status: patented, pending, abandoned)
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(Application Serial No.)	(Filing date)	(Status: patented, pending, abandoned)
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(Application Serial No.)	(Filing date)	(Status: patented, pending, abandoned)
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(Application Serial No.)	(Filing date)	(Status: patented, pending, abandoned)
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As a named inventor, I hereby appoint the attorneys and/or agents associated with

Hamilton, Brook, Smith & Reynolds, P.C.  
2 Militia Drive  
Lexington, Massachusetts 02173  
Customer No. 21005

to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

I also hereby grant additional Powers of Attorney to the attorneys and/or agents associated with Customer No. 21005 to file and prosecute an international application under the Patent Cooperation Treaty based upon the above-identified application, including a power to meet all designated office requirements for designated states;

and

Send correspondence to: Patricia Granahan, Esq.

Direct telephone calls to: (781) 861-6240

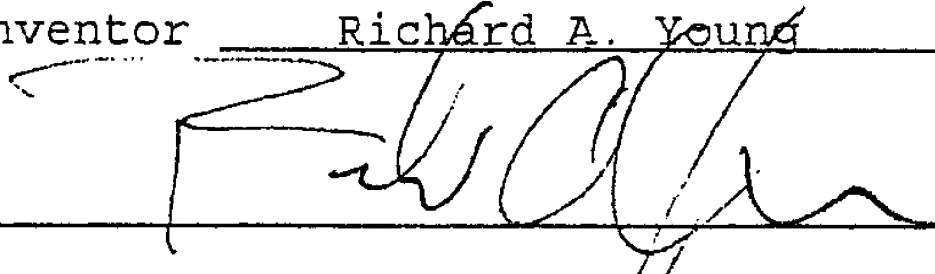
Direct facsimiles to: (781) 861-9540

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

-----  
Full name of sole

or first inventor Richard A. Young

Inventor's

Signature 

Date 4/22/98

Residence 216 Highland Avenue

Weston, Massachusetts 02193

Citizenship USA

Post Office Address Same as above  
-----

Full name of second joint

inventor, if any \_\_\_\_\_

Inventor's

Signature \_\_\_\_\_

Date \_\_\_\_\_

Residence \_\_\_\_\_

Citizenship \_\_\_\_\_

Post Office Address \_\_\_\_\_  
-----

Full name of third joint

inventor, if any \_\_\_\_\_

Inventor's

Signature \_\_\_\_\_

Date \_\_\_\_\_

Residence \_\_\_\_\_

Citizenship \_\_\_\_\_

Post Office Address \_\_\_\_\_  
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VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) & 1.27(d))-NONPROFIT ORGANIZATION

DOCKET NUMBER: 0399.1185-006

the  
#6

Applicant or Patentee: Richard A. Young

Serial or Patent No.: 09/756,543

Filed or Issued: January 8, 2001

Title: USE OF HEAT SHOCK PROTEINS TO DELIVER MOIETIES INTO CELLS

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF NONPROFIT ORGANIZATION Whitehead Institute for Biomedical Research

ADDRESS OF NONPROFIT ORGANIZATION Nine Cambridge Center

Cambridge, Massachusetts 02142

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ORIGINALLY FILED**

TYPE OF NONPROFIT ORGANIZATION:

- ☐ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION  
☒ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3))  
☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA  
(NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)  
☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3)) IF  
LOCATED IN THE UNITED STATES OF AMERICA  
☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED  
STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA  
(NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in:

- ☐ the specification filed herewith with title as listed above.  
☒ the application identified above.  
☐ the patent identified above.

I hereby declare the rights under contract or law have been conveyed to and remain with the nonprofit organization regarding the above identified invention. If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities and that no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

- ☐ no such person, concern, or organization exists.  
☒ each such person, concern or organization is listed below.

StressGen Biotechnologies, Inc.  
120-4243 Glanford Avenue  
Victoria, British Columbia  
V8Z 4B9 Canada

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Patricia Granahan, Esq.

TITLE IN ORGANIZATION OF PERSON SIGNING Intellectual Property Manager

ADDRESS OF PERSON SIGNING Whitehead Institute for Biomedical Research, Nine Cambridge Center,  
Cambridge, Massachusetts 02142

SIGNATURE Patricia Granahan DATE 2/25/01

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) & 1.27(c))-SMALL BUSINESS CONCERN

DOCKET NUMBER: 0399.1185-006

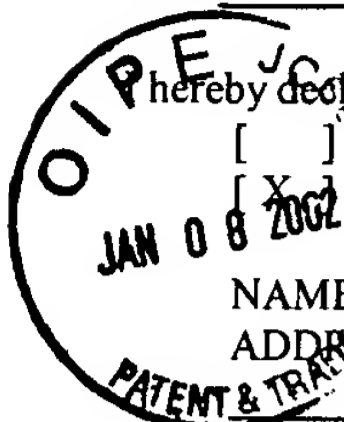
Applicant or Patentee: Richard A. Young

Serial or Patent No.: 09/756,543

Filed or Issued: January 8, 2001

Title: USE OF HEAT SHOCK PROTEINS TO DELIVER MOIETIES INTO CELLS

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ORIGINALLY FILED



I hereby declare that I am

☐ the owner of the small business concern identified below:

☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN StressGen Biotechnologies, Inc.

ADDRESS OF SMALL BUSINESS CONCERN 120-4243 Glanford Avenue

Victoria, British Columbia V8Z 4B9 Canada

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12 and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

☐ the specification filed herewith with title as listed above.

☒ the application identified above.

☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

☐ no such person, concern, or organization exists.

☒ each such person, concern or organization is listed below.

Whitehead Institute for Biomedical Research  
Nine Cambridge Center  
Cambridge, Massachusetts 02142

Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING DANIEL L. KORPOLINSKI

TITLE OF PERSON IF OTHER THAN OWNER PRESIDENT + CEO

ADDRESS OF PERSON SIGNING StressGen Biotechnologies, Inc., 120-4243 Glanford Avenue, Victoria, British Columbia  
V8Z 4B9 Canada

SIGNATURE *Daniel L. Korpolski* DATE July 9, 2001